

REMARKS

The present invention is a communications device incurring a messaging user interface and a method of creating a message with a communications device for delivery to a device of a recipient. In accordance with the invention, the interface selects a component for inclusion in a message which may be for example audio or video, selects the conditions under which the message may be opened by a recipient, as described for example on page 5 of the specification in the last paragraph thereof that "[t]he sender is further given the opportunity to set the conditions under which the multimedia message can be read by a recipient" and stores the component as a message together with a message header holding the conditions under which the message may be opened by the device of the recipient in a memory of the communication device. The message header is exemplified in Figure 3 and is identified by reference numeral 11. See the last paragraph of page 6 of the specification through page 7.

Claims 1, 2, 8, 9 and 10 stand rejected under 35 U.S.C. §112, second paragraph, regarding antecedent basis. The claims have been amended to overcome the stated grounds of rejection.

Claims 1-2 and 5-13 stand rejected under 35 U.S.C. §102(e) as being clearly anticipated by EP 0 788 065 (Jennings). With respect to claim 1, the Examiner reasons as follows:

Regarding claim 1, Jennings discloses a communications device (Figure 1, 106) including a messaging user interface, the interface including means for selecting a component for inclusion in a message, means for selecting conditions under which the message may be opened by a device of a recipient and means for storing said component as a message together with a message header holding the conditions under which the message may be

opened by the device of the recipient in a memory of the communication device (see Abstract; page 3, lines 19-38).

These grounds of rejection are traversed for the following reasons.

Claim 1 recites:

A communications device including a messaging user interface, the interface including means for selecting a component for inclusion in a message, means for selecting conditions under which the message may be opened by a device of a recipient and means for storing said component as a message together with a message header holding the conditions under which the message may be opened by the device of the recipient in a memory of the communication device.

Contrary to the Examiner's statement of rejection reproduced above, Jennings does not disclose means for selecting conditions under which the message may be opened by a device of a recipient and means for storing said component as a message together with a message header holding the conditions under which the message may be opened by the device of the recipient in the memory of the communication device. The Examiner cites the Abstract and page 3, lines 19-38, as setting forth the foregoing subject matter which the Applicants submit is erroneous.

Jennings teaches that a conventional multimedia message 200, as illustrated in Fig. 2, is modified such that the traditional message header 201 which carries information which describes the message including information that defines a message presentation is modified as described at page 3, lines 51-53, "such that message header 201 no longer carries the message presentation information...there is defined a new

message component type designated as presentation, for carrying the message presentation information."

The presentation components 204 and 205 are described at page 3, lines 57-58, as being "a script that defines the sequence and duration of presentation of the message-body components or components' records to the message recipient." However, in addition to not being in the header, the newly created presentation components 204, 205 in themselves are also not described as claimed as "selecting conditions under which the message may be opened by the device recipient." Presentation is defined to be "the manner desired by the message creator" as stated in page 3, lines 2, which is not in the header and does not meet the claimed limitation of selecting conditions under which the message may be opened by a device of a recipient.

The Examiner cites page 3, lines 19-38, and further the Abstract for his position that the means for selecting conditions under which the message may be opened is present in Jennings. However, the Abstract merely refers to the one or more new message components 204 and 205 which, as clearly shown in Fig. 2, are not part of the message header 201 and do not define conditions under which the message may be opened and therefore, cannot meet the claimed invention.

Controlling the conditions under which a message is opened via information contained in the header is a clear technical advantage provided by the present invention over the prior art. In the prior art, an additional step of opening the message is required in order to obtain the condition

Information for opening the message which is already present in the header of the claimed invention. Therefore, with the header containing the conditions under which the message may be opened only a portion of the message requires processing which requires less processing and time than with the new message components 204 and 205 which can only be processed by the message being opened. Accordingly, it is submitted that claims 1-2 and 5-13 are not anticipated by Jennings.

Claims 3-4 stand rejected under 35 U.S.C. §103 as being unpatentable over Jennings in view of United States Patent 6,421,707 (Miller et al) further in view of United States Patent 6,108,688 (Nielsen). These grounds of rejection are traversed for the following reasons.

Claim 3 further limits claim 1 in reciting a look-up table wherein the table contains entries of locations from which components are selectable and further, claim 4 limits claim 3 in reciting that at least one of the locations is the memory of the communication device.

Miller et al have been cited, at least in part, for setting forth means for selecting conditions under which the message may be opened with the Examiner referring to column 2, lines 66 through column 3, line 5. However, the aforementioned portions of Miller et al would not motivate a person of ordinary skill in the art to modify the teachings of Jennings to include conditions in the header of the message specifying conditions under which the message may be opened by the device of a recipient as recited in claim 1.


Nielsen has been cited as teaching a look-up table in Fig. 2 as element 40. Element 40 is described as a scrolling list of recipients which would not motivate a person of ordinary skill in the art to utilize a look-up table as claimed.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (1289.39429X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Donald E. Stout
Registration No. 26,422
(703) 312-6600

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